

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Karen Guardino and Jack Guardino,

PLAINTIFFS,

VS.

Mentor Corporation,

DEFENDANT.

Case No. 0:09-cv-03428 (DWF/JJG)

**DEFENDANT MENTOR CORPORATION’S NOTICE OF FILING
NOTICE OF RELATED ACTIONS WITH THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

Defendant Mentor Corporation (“Mentor”) hereby gives notice that, on December 3, 2008, the Judicial Panel on Multidistrict Litigation (the “MDL Panel”) granted Mentor’s motion to centralize twenty-two cases alleging that Mentor’s “ObTape” product is defective in its design and warnings. The MDL Panel centralized those cases by transferring them under 28 U.S.C. § 1407 to the Middle District of Georgia for coordinated or consolidated pretrial proceedings. A copy of the MDL Panel’s transfer order is attached as Exhibit 1.

This case, which was filed after the MDL Panel issued its transfer order, shares one or more common questions of fact with the twenty-two centralized cases. Accordingly, Mentor has notified the MDL Panel of this related action and asked the MDL Panel to treat it as a “tag-along action” subject to transfer to the Middle District of

Georgia for centralization with the already-transferred cases. *See* R.P.J.P.M.L. 7.4, 7.5.

A copy of Mentor's Notice of Related Actions notifying the MDL Panel of this related action is attached as Exhibit 2.

Dated: December 7, 2009

Respectfully submitted,

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